

FAIRFAX COUNTY GOVERNMENT

MEMORANDUM

DATE: April 12, 2005

TO: Karen Woodward, Executive Director
Civil Service Commission

FROM: Peter J. Schroth
Human Resources Director

SUBJ: Revisions to Chapters 1, 2, 4, 5, 6, 7, and 10 of the Personnel Regulations

The attached proposed revisions to the Personnel Regulations are being forwarded to the Civil Service Commission for public hearing. The advertisement for the public hearing will be included in the April 15, 2005 Courier with a public hearing date of May 24, 2005 per your discussions with Susan Woodruff. A copy of that advertisement is attached to summarize the proposed revisions.

Your assistance in scheduling a public hearing on these proposed revisions to the Personnel Regulations is appreciated.

Questions may be directed to Susan Woodruff of my staff on 324-4341.

Attachments

cc: Karen Conchar, Chair, EAC
Kevin North, Assistant Superintendent for Human Resources

A public hearing has been scheduled for May 24, 2005 on proposed changes to Chapters 1, 2, 4, 5, 6, 7 and 10 of the Personnel Regulations. The hearing will be held at 7:00 p.m. in conference rooms 2/3 in the Government Center.

The proposed changes are summarized below.

Holiday Policy – If approved by the Board of Supervisors as part of the FY 2006 budget, the holiday policy would be changed to provide hour for hour holiday compensation for employees who are required to work on a County observed holiday. Currently this compensation is limited to no more than 8 hours regardless of the employee's shift schedule. Under this proposal, an employee who is required to work a 10 hour shift and who actually works on the observed holiday would receive 10 hours of holiday compensation rather than 8 hours. This change will not apply to employees who, at their option, are working compressed or alternative work schedules.

Extensions of Injury Leave – this revision will provide authority to the department head or his or her designee to approve extensions of injury leave beyond 12 calendar months. Currently the regulations provide that such extensions require the approval of the Human Resources Director.

Advanced Sick Leave – this revision extends eligibility for advance sick leave when an employee must take leave for the serious disability of a parent or parent-in-law. Current provisions include only spouse and child.

Fair Labor Standards Act (FLSA) Overtime Eligibility – in response to legislation adopted by the General Assembly (effective July 2005), the County Executive is proposing as part of the FY 2006 budget that hours on paid leave be included when determining an employee's eligibility for FLSA overtime. Proposed revisions to Chapters 2 and 4 will implement this recommendation, assuming Board of Supervisors' approval.

Veteran status consideration in hiring – in response to legislation adopted by the General Assembly, the county will now consider an applicant's status as a veteran in hiring policies and practices. Additional consideration will be given to veterans who have a service connected disability rating.

Employees wishing to speak at the public hearing can call the Civil Service Commission at 324-2930. Questions on the proposed revisions may be directed to the Employee Relations Division, Department of Human Resources, on 324-3495.

For further information on the proposed revisions, visit the Department of Human Resources website at xxx.

PROPOSED *PERSONNEL REGULATION* CHANGES
VETERANS' PREFERENCES – 2005 VA. ACTS, CH. 413 (HB 2428)

1. Add a new section to Chapter 1, Authority and Scope of Fairfax County Merit System Ordinance and Regulations, Section 1.10, to read as follows:

1.10 Veterans' Preference

Consistent with the requirements and obligations to protected classes under federal and Virginia law and the requirements of Fairfax County Code Section 3-1-21 and Section 1.9, in making initial appointments to the County service appointing authorities shall take into consideration or give preference to an applicant's status as an honorably discharged veteran of the armed forces of the United States, provided that such veteran meets all of the knowledge, skills, and eligibility requirements for the position applied for. Appointing authorities shall give additional consideration to veterans who have a service- connected disability rating fixed by the United States Department of Veterans Affairs.

2. Add a new section to Chapter 2, Definitions, Section 2.69a, to read as follows:

2.69a Veteran

Any person who has received an honorable discharge and has (i) provided more than 180 consecutive days of full-time, active duty service in the armed forces of the United States or reserve components thereof, including the National Guard, or (ii) has a service- connected disability rating fixed by the United States Department of Veterans Affairs.

3. Amend and re-enact Section 5.1 of the *Personnel Regulations* so that it reads as follows:

5.1 Overview of the Process

1. By law, appointments to positions in the competitive service of Fairfax County must be "on a competitive basis, free of discrimination on the basis of race, color, national origin, religion, sex, age, political affiliation or handicap " (Sec. 3-1-1a (3) Fairfax County Code as Amended) and "on the basis of ability, training and experience of the appointees which fit them for the work which they are to perform" (Sec. 15.2-807, Code of Virginia, Annotated).
2. To accomplish this end:
 - a. Positions in the competitive service are advertised periodically in a manner designed to reach a broad sector of qualified potential applicants;
 - b. Applicants are screened through a variety of processes (which may include written, oral, and performance testing, evaluation of education and experience, and personal interviews) to provide the department head or deputy a choice of well qualified applicants;
 - c. In the case of positions for which vacancies occur with some frequency or periodically in large numbers, examinations may be held at intervals for specific classes rather than for specific positions and qualified applicants may be placed on eligibility lists and certified from such lists for consideration by department heads or deputies as vacancies occur;
 - d. In other cases, applications are accepted for an individual position or specified group of positions and the best qualified, including the best qualified women and, minorities, and veterans are certified for only those positions, no continuing eligibility list being maintained;

- e. Applicants are selected from certification lists by department heads or deputies on the basis of further screening, which usually includes a personal interview by the department head or designee or by a panel representing him/her;
 - f. Successful applicants are appointed and serve a one-year probation period before achieving full merit status.
- 3. Where an adequate number of well qualified potential applicants for a position exists within the competitive service, competition may be restricted to County employees unless doing so would create or perpetuate a serious imbalance of the work force in terms of race or sex, in which case the position will be advertised for open competition.
 - 4. The Human Resources Director is responsible for all aspects of the recruitment and certification process, except those aspects delegated by him/her to department heads as authorized in these regulations; and for ensuring that all appointments to positions in the competitive service comply with the Merit System Ordinance and these regulations.
 - 5. Any applicant who believes that his/her failure to receive an appointment was the result of illegal discrimination as defined in the Ordinance has certain appeal rights defined herein.
4. Amend and re-enact Section 5.2 of the *Personnel Regulations* so that it reads as follows:

5.2 Announcement of Vacancies

- 1. In the interest of minimizing delay in filling vacancies, department heads or designees should inform the Human Resources Director of actual or impending vacancies as soon as this information becomes available.
 - a. This is accomplished by submission of a personnel requisition on a form prescribed by the Human Resources Director. A copy of the current position description, including any special or preferred qualifications should accompany the requisition.
 - b. A vacancy may be advertised and applicants certified before the vacancy occurs, but no appointment may become effective more than two pay periods before the position is vacant unless dual encumbrance (or, in the case of a new position, early appointment) has been authorized by the County Executive or his/her designee.
- 2. Vacancies normally shall be announced at least two weeks before the last date on which applications will be accepted.
 - a. If, in the opinion of the Human Resources Director, there is an adequate pool of potential applicants, and there is an urgent need to fill the position, a position may be announced one week before the closing date; but in no case shall less than five business days elapse between posting of an announcement and the closing date for applications.
 - b. The Human Resources Director may accept applications after the closing date if the eligibility or certification list for a position has not been issued.
 - c. Positions for which a continuing need for applicants exists or for which recruitment is particularly difficult may be announced with an open or indefinite closing date, and applicants may be placed on an eligibility list or certified at any time after the announcement has been open for five business days.
- 3. Each announcement of a vacancy shall include the following information:

- a. The title, pay grade and/or salary range of the class;
 - b. Identification of the work site and a description of the typical tasks and level of responsibility of the work to be performed and of any unusual working conditions not otherwise apparent;
 - c. The minimum qualifications required and any special or preferred qualifications;
 - d. The time, place and manner of application, including the closing date for accepting applications if such has been established, and whether applications will be accepted from the general public or only from County employees;
 - e. Whether the announcement is for a specific position, a group of positions or a continuing eligibility list, and if for an eligibility list, the expected duration of that list.
 - f. The nature of the tests or other screening processes, including interviews, to be used;
 - g. A description of the category of the appointment, employee benefits and the fact that the County is an equal opportunity/affirmative action employer and that pursuant to Virginia law that it gives consideration to veterans and additional consideration to disabled veterans in its hiring practices.
- 4 Announcements shall be posted at the Department of Human Resources, all County Governmental Centers, all Fairfax County Public Libraries, and such other locations as the Human Resources Director may direct. Vacancies also may be announced in news media of general and special circulation, which are likely to reach a large and varied population.

5. Amend and re-enact Section 5.3 of the *Personnel Regulations* so that it reads as follows:

5.3 Examination of Applicants

1. Before certifying to any department head or deputy that an applicant is qualified for appointment, the Human Resources Director shall conduct an examination of the applicant's capacity and fitness to fulfill the requirements of the position.
2. Such examination must include as a preliminary step an evaluation of the applicant's knowledge, skills, experience and fitness based on information submitted in the applicant's application/resume. The Human Resources Director may investigate any applicant's statements regarding education, training, skills and previous employment to ensure their accuracy and completeness. He/she shall also determine whether the applicant is a veteran.
3. Examinations may also include one or more of the following:
 - a. Written examination, which shall include a written demonstration of each candidate's knowledge, information or skill in the field for which the test is being held, and which may include standard tests of mental alertness and of ability in the use of English and mathematics, or of general educational attainments;
 - b. Oral examination, which may be used in lieu of or to supplement the written examination or to elicit information regarding the abilities of the candidates that is not readily obtained in a written examination;
 - c. Performance test, which shall include such tests of performance necessary to determine the ability and manual skill of each candidate to perform the work involved and which may be either competitive or qualifying;
 - d. Physical tests, which may be either competitive or qualifying, and which shall consist of tests of bodily condition, muscular strength, agility and physical coordination;
 - e. Practical examinations, such as assessment centers, which test reactions and judgment of applicants under simulated job conditions;
 - f. Review by a personnel analyst to verify or expand on information submitted by the applicant and to appraise a candidate's fitness for the position.
4. The content of all examinations, including interviews, shall be based on bona fide occupational qualifications pertinent to the duties to be performed. The Human Resources Director or his/her designee shall review the general areas of questioning planned for interviews and all written or performance tests proposed by any department head or deputy to ensure their relevance and appropriateness of format. Department heads or deputies shall ensure that all interviewers are aware of restrictions on the types of questions which legally may be asked of applicants. From time to time, the Human Resources Director will offer formal training on laws, regulations and techniques pertinent to interviewing potential employees.
5. Examinations may be formal (administered to an applicant or a group of applicants) or informal (based on evaluation of training and experience) and may be for specific positions for which vacancies are known to exist or for a position class in which vacancies are expected over a period of time.
6. The Human Resources Director may delegate some or all of the actions described in this section to department heads.
6. Amend and re-enact Section 5.8 of the *Personnel Regulations* so that it reads as follows:

5.8 Method of Breaking Ties

1. If two or more candidates attain the same final score, the tie shall be resolved in favor of the applicant who receives the highest score in the most heavily weighted portion of the examination. If a tie still exists, scores on the remaining portions of the examination will be considered in order of their relative weight. If a tie still exists, the tie shall be resolved in favor of the applicant who is a veteran. If the tie is between an applicant who is a veteran and an applicant who is a veteran with a service-connected disability rating, the tie will be resolved in favor of the latter applicant.
2. Except in the case of promotional examinations, if a tie still exists after the above procedure, tied candidates will be shown on the certification or eligibility list as tied. The number of applicants certified for a position may be increased if necessary to include all tied candidates.
3. For promotional examinations in other than uniformed public safety classes, if the tie extends beyond the procedure noted in 5.8-1, then the tie shall be resolved in favor of the employee having the longest period of continuous service with Fairfax County Government.
4. For promotional examinations for uniformed public safety job classes, if the tie extends beyond the procedure noted in 5.8-1, the tie shall be resolved in favor of the employee having the longest period of continuous service in the class series, beginning with date of appointment to the public safety class series (police, fire, sheriff).
7. Amend and re-enact Section 5.11 of the *Personnel Regulations* so that it reads as follows:

5.11 Investigations and Fingerprinting

1. Department heads or their designees are responsible for verifying references and claimed veteran status of prospective appointees.
2. Investigations of the backgrounds of candidates for public safety positions will be conducted by the various public safety agencies. The backgrounds of candidates for other sensitive positions may be investigated at the request of a department head or designee with the concurrence of the Human Resources Director.
3. Prospective appointees to sensitive positions involving a high degree of trust will be fingerprinted and the prints forwarded to the Federal Bureau of Investigation for checking against its records. Any such candidate who refuses to be fingerprinted shall be disqualified.
4. All appointees will be required to present evidence of United States citizenship or, in the case of non-citizens, evidence of eligibility to work in the United States as required by law. All appointees who have claimed veteran status will be required to present evidence of the status claimed.
8. Amend and re-enact Section 6.3 of the *Personnel Regulations* so that it reads as follows:

6.3 Promotional and Open Competitive Lists

1. The names of applicants who meet minimum qualifications as determined by an examination which is numerically scored shall be placed on the appropriate promotional or open competitive eligible list in order of their total scores. In the event of a tie in scores, veterans shall be listed ahead of non-veterans, and veterans with a service-connected disability rating shall be listed ahead of other veterans.
2. Where formal examinations have not been conducted and candidates have been evaluated on the basis of education, training, experience and/or interview, applicants meeting the minimum qualifications for a class shall be grouped on the eligible list in four categories as described below. Within each category all eligibles will be considered tied, except that veterans shall be listed ahead of non-veterans, and veterans with a service-connected disability rating shall be listed ahead of other veterans.

- a. **Group 1 - Outstandingly Qualified:** candidates exceed the minimum qualifications, meet all special and preferred qualifications and have significant experience at or above the level of this class.
 - b. **Group 2 - Very Well Qualified:** while not as qualified as those in Group 1, candidates exceed the minimum qualifications, and either meet some special or preferred qualifications or have significant experience at the level of the class.
 - c. **Group 3 - Well Qualified:** while not as qualified as those in Groups 1 and 2, candidates exceed minimum requirements, including experience requirements, for the class.
 - d. **Group 4 - Qualified:** candidates meet the minimum requirements for the class.
9. Amend and re-enact Section 7.4 of the *Personnel Regulations* so that it reads as follows:

7.4 Certification of Eligibles

1. Upon receipt of a personnel requisition, the Human Resources Director shall certify applicants from the appropriate eligible list or lists, selected in the manner described herein. If there is not an eligibility list appropriate to the class requisitioned, or if such a list exists but, in the opinion of the Director or the Director's designee, it does not contain sufficient names to provide an adequate, balanced pool, the Director or the Director's designee shall promptly announce the vacancy and create an eligible list, following the procedures specified in Chapters 5 and 6.
2. If the number of positions to be filled in a single agency is less than ten, sufficient eligibles shall be certified so that there are at least nine more candidates than there are positions. If the number of positions to be filled is ten or more, the number certified shall be at least twice and usually no more than three times the number of positions. The above notwithstanding, a lesser number may be certified if, after the required announcement and examination, the number of eligibles is less than that required by this provision.
3. Eligibles shall be certified in order of their standing on the eligibility lists on which their names appear, in accordance with the following rules.
 - a. If there is an applicable reemployment list, all eligibles on that list shall be certified before any person on either a promotional or an open competitive list.
 - b. If a position has been announced exclusively as a promotional opportunity open only to current employees, only individuals on the applicable promotional eligibility list shall be certified after any applicable reemployment list has been exhausted.
 - c. If a position has been announced for open competition, individuals from both promotional and open competitive lists will be certified in order of their scores after any applicable reemployment list has been exhausted.
 - d. In case of tie scores, the number of eligibles certified shall be increased so that all who are tied can be certified.

- e. When the position to be filled requires specific knowledge or specialized skills which all applicants on the eligible list do not possess, applicants who have such knowledge or skills may be certified before those who do not.
- f. To the extent that the applicable eligible list contains the names of individuals in protected classes, the Human Resources Director shall certify the best qualified members of such classes in sufficient numbers to provide the department head or deputy an opportunity to improve the work force balance in accordance with the currently effective agency Affirmative Action Plan. The total number of eligibles certified for any position may be increased beyond the numbers required by the preceding subsections in order to accomplish this objective.
- g. Regardless of the basis for individual certification, eligibles shall be listed in alphabetical order on certification lists furnished to appointing authorities. The certification list shall identify the eligibles who are veterans and veterans with a service-connected disability rating.

10. Amend and re-enact Section 7.9 of the *Personnel Regulations* so that it reads as follows:

7.9 Applicant Right of Appeal on Discriminatory Practices

1. An applicant who is not employed by the County at the time of his/her application and who believes he/she has been discriminated against on the basis of race, sex, color, religion, national origin, age, handicap, ~~or~~ political affiliation, or his or her status as a veteran during the selection process may file an appeal on the alleged discriminatory practice. A bona fide occupational requirement for any position, the minimum age qualifications for public safety occupations, and the exclusion of family members as defined in Section 7.8 shall not be appealable except as provided in Sec. 7.8-5.
2. Such an appeal stating the alleged discriminatory practice and the corrective action desired must be filed in writing with the Director of Equity Programs within fifteen business days of the date the applicant knew or should have known that he was not selected for employment.
3. The Director of Equity Programs shall investigate the allegations and respond in writing to the applicant within twenty business days.
4. Should the applicant believe the Director of Equity Programs' response to be unsatisfactory, the applicant may file a written request for a hearing with the Civil Service Commission. The applicant's request for a hearing must contain a complete statement of the alleged discriminatory practice and the corrective action desired, and must be filed within fifteen business days of receipt of the Director of Equity Programs' response.
5. The Civil Service Commission shall set a time and place for such hearing to be held not more than thirty work days after receipt of such request. At its discretion, the Commission may appoint a hearing officer to hear the appeal.
6. The hearing shall be conducted in accordance with hearing procedures adopted by the Civil Service Commission.
7. After the hearing, the Commission shall forward an advisory finding on the merit of the appeal and disposition of the case to the County Executive. The Commission does not have the authority to award or recommend monetary damages.

Holiday Leave – Attachment 3

-3 Holiday/Emergency Administrative Leave. Pro-rata adjustments shall be made for the holiday usage rate for shift schedules other than 40 hours per week to ensure compliance with the provisions of Chapter 10.

a. When an employee works on a holiday, the employee shall be compensated for the hours actually worked at the employee's hourly rate of pay or in accordance with the rules governing overtime, if applicable. In addition, employees shall receive holiday compensation as follows:

- (1) FLSA eligible employees shall, at the employee's discretion, be granted holiday compensatory time or be paid holiday pay not exceeding ~~eight hours~~ **the number of regular scheduled hours (16 hours for 24 hour shift employees) for that day.** ~~(4 hours for a half-day holiday)~~ at the employee's hourly rate of pay. **For half day holidays, holiday compensation shall not exceed one-half of the employee's regular scheduled hours (8 hours for 24 hour shift employees).** If the employee's compensatory leave balance is 240 hours or greater, holiday pay at the employee's hourly rate must be granted.
- (2) Straight pay eligible employees shall, at the discretion of the department head or designee, be granted holiday compensatory time or be paid holiday pay not exceeding ~~eight hours (4 hours for a half-day holiday)~~ **the number of regular scheduled hours (16 hours for 24 hour shift employees) for that day** at the employee's hourly rate of pay. **For half day holidays, holiday compensation shall not exceed one-half of the employee's regular scheduled hours (8 hours for 24 hour shift employees).**
- (3) Compensatory time eligible employees shall be granted holiday compensatory time not exceeding **the number of regular scheduled hours (16 hours for 24 hour shift employees) for that day** ~~eight hours (4 hours for a half-day holiday).~~ **For half day holidays, holiday compensation shall not exceed one-half of the employee's regular scheduled hours (8 hours for 24 hour shift employees).**

Injury Leave Extension – Attachment 4

10.20 Leave for Injury in Line of Duty

- 1 A merit employee who is injured while performing the duties of his/her position, without fault or negligence on his/her part, and who is accepted as compensable under the Virginia Worker's Compensation Act, shall be granted injury leave with pay, as approved by the County Executive or his/her designee. Such eligibility for injury leave with pay begins on the first day of injury and shall expire not later than twelve calendar months from the original injury date. Reinjuries do not extend the period of eligibility for injury leave. Such leave requires a medical certificate from an approved licensed physician authorized by the County to treat worker's compensation claims. This certificate must set forth the nature and extent of the injury and the probable period of disability.
- 2 Extensions of injury leave beyond twelve calendar months may be granted by the ~~Human Resources Director at the request of an~~ a department head or designee. In no case shall the employee be granted injury leave in excess of 2080 (2912 for 24-hour shift employees) total hours. In evaluating such requests, the following elements shall be considered:
 - a. The circumstances in which the injury occurred to include consideration of the nature and extent of the injury;
 - b. The nature and extent of treatment providing that the employee has continued under the regular care of the authorized physician requiring an office visit at minimum intervals of at least once every three months; and providing that the medical records clearly substantiate a relationship between the current prescribed treatment and the original injury;
 - c. The likelihood of the employee's return to duty;
 - d. The employee's past injury, leave and service record;

Advance Sick Leave – Attachment 5

10.12 Granting Advance Sick Leave

- 1 Advance sick leave, not to exceed 192 hours (288 hours for 24 hour shift employees), may be granted to merit employees qualified to earn ordinary sick leave in cases of serious disability or ailments of the employee, **the spouse, child , parent or parent-in-law** ~~or the spouse or child~~ of an employee when it is to the advantage of the County to do so.

2.36 Overtime (FLSA)

Time ~~actually~~ worked **or on paid leave** by an employee (excluding employees in law enforcement and fire protection as defined herein) in excess of 40 hours during his/her seven consecutive days work period. Overtime for law enforcement personnel shall be time ~~actually~~ worked **or on paid leave** in excess of 86 hours (82 hours for sworn Police Officers, Animal Control Officers, and Deputy Sheriffs scheduled to work a 40 hour week) during his/her 14 consecutive day work period. Overtime for fire protection personnel shall be time ~~actually~~ worked **or on paid leave** in excess of 212 hours during his/her 28 consecutive day work period. Non-FLSA overtime includes hours worked in excess of the employee's scheduled hours but less than the eligibility requirement for FLSA overtime stated above.

4.15 Overtime, Compensatory Time, CallBack Time, Consecutive Shift Time

-1 Overtime. FLSA overtime shall include all ~~time actually worked~~ **hours worked or on paid leave** by an FLSA eligible employee (other than law enforcement and fire protection personnel) in excess of 40 hours in a workweek.

Overtime for FLSA eligible law enforcement personnel (excluding sworn Police Officers and Deputy Sheriffs scheduled to work a 40 hour week) shall include all ~~time actually worked~~ **hours worked or on paid leave** in excess of 86 hours in a 14-day work period. Overtime for FLSA eligible law enforcement personnel in the Police Department and Deputy Sheriffs scheduled to work a 40 hour week shall include all hours **worked or on paid leave** ~~time actually worked~~ in excess of 82 hours in a 14-day work period. Overtime for FLSA eligible fire protection personnel shall include all hours **worked or on paid leave** ~~of work~~ in excess of 212 hours in a 28-day work period. Non-FLSA overtime includes hours worked in excess of the employee's scheduled hours but less than the eligibility requirement for FLSA overtime. Overtime shall be kept to a minimum and shall be used to relieve occasional excessive workloads or emergencies, and not to provide for constant recurring requirements. Overtime may be mandated when related to the health, welfare or safety of either the public or employees. Except in emergency situations, all overtime worked by an employee shall be authorized and approved in advance by the employee's supervisor and documented on prescribed overtime authorization forms. Employees shall not work in excess of authorized scheduled hours without express approval of the supervisor. In event of emergency situations, the forms shall be completed not later than the following workday.

-2 Eligibility. Employees shall earn compensatory time or be paid for overtime hours actually worked in accordance with the following provisions:

a. FLSA eligible employees excluding law enforcement and fire protection personnel as defined in Chapter 2:

- (1) shall be compensated at one and one-half times their regular rate of pay for all eligible hours **worked or on paid leave** ~~actually worked~~ in excess of 40 hours during the designated seven consecutive day work period. ~~Paid leave is not credited as time worked for the purposes of calculation of overtime eligibility as described in this section.~~ If requested by the employee and approved by the department head or designee, compensatory time at the rate of time and a half may be awarded in lieu of overtime pay. If the employee's compensatory leave balance is 240 hours or greater, overtime pay at one and one-half times the regular rate of pay must be awarded.
 - (2) shall earn straight compensatory time or be paid overtime at their hourly rate of pay, at the employee's discretion, for hours worked in excess of their scheduled hours wherein the time actually worked is less than forty hours in a seven day work period. If the employee's compensatory time leave balance is 240 hours or greater, overtime pay at the hourly rate of pay must be awarded.
- b. Straight pay eligible employees shall, at the discretion of the department head or designee, earn straight compensatory time or be compensated at their hourly rate of pay for all time worked in excess of their scheduled work hours.
 - c. Compensatory time eligible employees shall earn straight compensatory time for time worked in excess of their scheduled work hours.
 - d. FLSA eligible fire protection personnel:
 - (1) shall be compensated at one and one-half times their regular rate of pay for all eligible hours **worked or on paid leave** ~~of work~~ in excess of 212 hours during the 28 consecutive day work period. ~~Paid leave is credited as time worked for the purposes of calculation of overtime eligibility as described in this section.~~ If requested by the employee and approved by department head or designee, compensatory time at the rate of time and a half may be awarded in lieu of overtime pay. If the employee's compensatory leave balance is 240 hours or greater, overtime pay at one and one-half times the regular rate of pay must be awarded.

- (2) shall earn straight compensatory time or be paid overtime at their hourly rate of pay, at the employee's discretion, for hours worked in excess of their scheduled hours wherein the hours actually worked are less than 212 hours in a 28 day work period. If the employee's compensatory leave balance is 240 hours or greater, overtime pay at the hourly rate of pay must be awarded.

All other Fire and Rescue Department employees shall be treated as described in Section 4.14 - 2a, b, or c.

e. FLSA eligible law enforcement personnel:

- (1) shall be compensated at one and one-half times their regular rate of pay for all **hours worked or on paid leave** ~~eligible hours actually worked~~ in excess of 86 hours (82 hours for sworn Police Officers and Deputy Sheriffs scheduled to work a 40 hour week) during the 14 consecutive day work period. ~~Paid leave is not credited as time worked for the purposes of calculation of overtime eligibility as described in this section.~~ If requested by the employee and approved by the department head or designee, compensatory time at the rate of time and a half may be awarded in lieu of overtime pay. If the employee's compensatory leave balance is 240 hours or greater, overtime pay at one and one-half times the regular rate of pay must be awarded.
- (2) shall earn straight compensatory time or be paid overtime at their hourly rate of pay, at the employee's discretion, for hours worked in excess of their scheduled hours wherein the hours actually worked are less than 86 hours (82 hours for sworn Police Officers and Deputy Sheriffs scheduled to work a 40 hour week) in a 14 day work period. If the employee's compensatory leave balance is 240 hours or greater, overtime pay at the hourly rate of pay must be awarded.
- (3) shall be compensated at one and one-half times their hourly rate of pay for actual court time worked when such court time falls on the employee's scheduled day off or begins more than two hours prior to the employee's scheduled shift, regardless of the number of hours worked in a given work period.